

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

1985 0213 011 007

IN RE:

Donna L. Roy, L.P.N., 015720

(a.k.a. Donna L. Harris, L.P.N.), 015720

39 Acorn Street

New Britain, CT 06051

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated December 12, 1985 and amended prior to and at the hearing.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing. The hearing took place on January 21, 1987, in room B 120/121 of the Department of Health Services at 150 Washington Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

1. Donna L. Roy, (a.k.a. Donna L. Harris) hereafter referred to as the respondent, was at all pertinent times licensed to practice nursing as a licensed practical nurse in Connecticut, with registration number 015720.

2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.

3. On or about December 24, 1984, the respondent obtained the controlled substance Percodan from the Tremont Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

4. On or about January 7, 1985, the respondent obtained the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

5. On or about January 19, 1985, Donna L. Roy obtained the controlled substance Valium from the Drug City Pharmacy in Rocky Hill, Connecticut by fraud, deceit, subterfuge or misrepresentation. Specifically, on Saturday, January 19, 1985, at 4:00 p.m. a telephone prescription order was received at Drug City Pharmacy in Rocky Hill, CT. The person placing the order identified herself as an employee of "Dr. Edelstern" (the correct spelling is Dr. Edelstein). The order called for a prescription for one of "Dr. Edelstern's" patients, Donna Roy.

Donna L. Roy also was an employee of Dr. Edelstein. The order was for 100 tablets of Valium (10 mg.). Upon attempting to verify the order, the pharmacist was told by Dr. Edelstein that he did not order the prescription. At about 5:30 p.m. a white female (later identified by Detective Dodenhoff of the Rocky Hill Police Department as the respondent) approached the pharmacy counter at Drug City to obtain the prescription for patient Donna Roy. At that time the respondent was arrested. The respondent admitted that she was trying to illegally obtain controlled drugs for her own use. The respondent stated that her need for the controlled substance Valium was the result of personal problems that she was experiencing.

6. On or about February 7, 1985, the respondent obtained the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

7. On or about February 22, 1985, the respondent obtained the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

8. On or about March 15, 1985, the respondent obtained the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

9. On or about April 18, 1985, the respondent obtained the controlled substance Percodan from the Arrow Pharmacy in New

Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation.

10. On or about May 14, 1985, the respondent obtained the controlled substance Percodan from the Berlin Pharmacy in Berlin, Connecticut by fraud, deceit, subterfuge or misrepresentation.

11. On or about June 9, 1986, the respondent obtained the controlled substance Valium from the Brooks Pharmacy in Cromwell, Connecticut by fraud, deceit, subterfuge or misrepresentation.

DISCUSSION AND CONCLUSIONS

The First Count alleges that on or about December 24, 1984, Donna L. Roy obtained the controlled substance Percodan from the Tremont Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about December 24, 1984, the respondent did obtain the controlled substance Percodan from the Tremont Pharmacy in New Britain, Connecticut

by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated 20-99(b) as specified in the First Count.

The Second Count alleges that on or about January 7, 1985, Donna L. Roy obtained the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about January 7, 1985, the respondent did obtain the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Second Count.

The Third Count alleges that on or about January 19, 1985, Donna L. Roy obtained the controlled substance Valium from the Drug City Pharmacy in Rocky Hill, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. Her attorney, in a statement dated May 7, 1985, cited extreme mental stress as a factor for her diversion. The above described conduct is a

violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (4) emotional disorder or mental illness; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about January 19, 1985, the respondent did obtain the controlled substance Valium from the Drug City Pharmacy in Rocky Hill, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Third Count.

The Fourth Count alleges that on or about February 7, 1985, Donna L. Roy obtained the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions, (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about February 7, 1985, the respondent did obtain the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Fourth Count.

The Fifth Count alleges that on or about February 22, 1985, Donna L. Roy obtained the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about February 22, 1985, the respondent did obtain the controlled substance Percodan from the CVS Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Fifth Count.

The Sixth Count alleges that on or about March 15, 1985, Donna L. Roy obtained the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about March 15, 1985, the respondent did obtain the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Sixth Count.

The Seventh Count alleges that on or about April 18, 1985, Donna L. Roy obtained the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about April 18, 1985, the respondent did obtain the controlled substance Percodan from the Arrow Pharmacy in New Britain, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Seventh Count.

The Eighth Count alleges that on or about May 14, 1985, Donna L. Roy obtained the controlled substance Percodan from the Berlin Pharmacy in Berlin, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a

violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about May 14, 1985, the respondent did obtain the controlled substance Percodan from the Berlin Pharmacy in Berlin, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Eighth Count.

The Ninth Count alleges that on or about June 9, 1986, Donna L. Roy obtained the controlled substance Valium from the Brooks Pharmacy in Cromwell, Connecticut by fraud, deceit, subterfuge or misrepresentation. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities.

The Board has determined that on or about June 9, 1986, the respondent did obtain the controlled substance Valium from the Brooks Pharmacy in Cromwell, Connecticut by fraud, deceit, subterfuge or misrepresentation. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the Ninth Count.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that:

a. The license of the respondent be suspended for a minimum period of three (3) years and the respondent be placed on probation for (5) years determined as follows:

i. as to the First Count, three year suspension and a five year probationary period;

ii. as to the Second Count, three year suspension and a five year probationary period;

iii. as to the Third Count, three year suspension and a five year probationary period;

iv. as to the Fourth Count, three year suspension and a five year probationary period;

v. as to the Fifth Count, three year suspension and a five year probationary period;

vi. as to the Sixth Count, three year suspension and a five year probationary period;

vii. as to the Seventh Count, three year suspension and a five year probationary period;

viii. as to the Eighth Count, three year suspension and a five probationary period;

ix. as to the Ninth Count, three year suspension and a five year probationary period;

x. the five year probationary period referenced in (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix) above is to commence at the same time as the three year suspension referenced in (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix) above for a total effective probationary period of five years and a total effective suspension of three years;

xi. that as conditions of the probation the respondent is to have her medical doctor submit monthly, random, negative drug screen reports. In addition, the respondent must submit for the last two years of her probation monthly reports from a licensed therapist;

b. If the conditions referenced in (a) above, are not met the respondent's license may be revoked immediately.

c. The said periods of probation and suspension shall commence on July 15, 1987.

d. At the end of the five year probation specified in (a) above, the probationary status will be removed if conditions referenced in (a) above are met.

The respondent, Donna L. Roy, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut, 06106 on or before July, 15, 1987.

The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford* , Connecticut, this *25th* day of *June* , 1987

BOARD OF EXAMINERS FOR NURSING

BY *Bette Jane M. Murphy R.N.*
Bette Jane M. Murphy R.N., Chairman